

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

TRUSTEES OF THE NATIONAL )  
ELEVATOR INDUSTRY PENSION )  
FUND, )  
 )  
PLAINTIFF, )  
 )  
v. ) CASE NO. 2:08-cv-162-MEF  
 )  
DALLAS CAVINESS, *et al.*, )  
 )  
DEFENDANTS. )

**ORDER**

It has come to the Court's attention that the parties have failed to comply with the dictates of Section 3 of the Uniform Scheduling Order entered by this Court on May 20, 2008 (Doc. # 25). Section 3 requires the parties to file a pleading titled "Notice Concerning Settlement Conference and Mediation" indicating whether settlement was reached at the face-to-face settlement conference, and if not, whether the parties believe mediation will assist them in resolving this case short of trial. The parties are required to submit the Notice Concerning Settlement Conference and Mediation within five days of the face-to-face settlement conference.

Pursuant to the Uniform Scheduling Order the parties were to have conducted that face-to-face settlement conference no later than August 1, 2008. Hence, the Notice Concerning Settlement Conference and Mediation should have been filed no later than August 8, 2008. As of this date, no Notice Concerning Settlement Conference and Mediation

has been filed.

It is hereby ORDERED that Counsel for defendants shall file the Notice Concerning Settlement Conference and Mediation by September 5, 2008.

DONE this the 21st day of August, 2008.

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/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE